# **CCRB INVESTIGATIVE RECOMMENDATION**

Investigator:		Team:	CCRB Case #:	<b>▼</b> Force	☑ Discourt.	☐ U.S.	
Greg Finch		Squad #14	201608631	✓ Abuse	O.L.	✓ Injury	
Incident Date(s)		Location of Incident:	1	Precinct:	18 Mo. SOL	EO SOL	
Wednesday, 10/05/2016 9:36 AM				30	4/5/2018	4/5/2018	
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	e Received at CCR	В	
Wed, 10/05/2016 12:04 PM		IAB	Phone	Thu, 10/13	3/2016 1:06 PM		
Complainant/Victim	Type	Home Addre	ess				
Witness(es) Home Address							
	CI : 11	T. ID.	<u> </u>				
Subject Officer(s)	Shield	TaxID	Command				
1. SGT Miguele Amoresano	00076	924884	030 PCT				
Witness Officer(s)	Shield N	o Tax No	Cmd Name				
1. POF Christine Winter	16237	953573	030 PCT				
Officer(s)	Allegatio	)n		Inve	estigator Recom	mendation	
A.SGT Miguele Amoresano		t Broadway and West 1: Miguele Amoresano us					
B.SGT Miguele Amoresano	Discourtesy: At Broadway and West 138th Street in Manhattan, Sergeant Miguele Amoresano spoke discourteously to \$87(2)(6)						
C.SGT Miguele Amoresano		at Broadway and West 1 Miguele Amoresano the f force.		attan, with			
D.SGT Miguele Amoresano		esy: At the 30th Precinc Amoresano spoke disco		eant			

#### **Case Summary**

On October 5, 2016, Sergeant Miguele Amorensano filed the following complaint with IAB via telephone on behalf of generating log #2016-36091. On October 13, 2016, the CCRB received the case.

On October 5, 2016, at approximately 9:36 a.m. \$\frac{87(2)(b)}{2}\$ was on-shift as a cab driver when he engaged in a verbal altercation with \$\frac{87(2)(b)}{2}\$ another cab driver, on the in Manhattan. \$\frac{87(2)(b)}{2}\$ exited his cab and approached \$\frac{87(2)(b)}{2}\$ s driver side door. \$\frac{87(2)(b)}{2}\$ punched the rear passenger door of \$\frac{87(2)(b)}{2}\$ s cab and swung into \$\frac{87(2)(b)}{2}\$ s open driver window. Sgt. Miguele Amorensano of the 30<sup>th</sup> Precinct tackled \$\frac{87(2)(b)}{2}\$ and allegedly punched \$\frac{87(2)(b)}{2}\$ in the mouth, chipping a tooth (Allegation A). Sgt. Amorensano allegedly told \$\frac{87(2)(b)}{2}\$ "Shut the fuck up, or I'ma fuck you up" multiple times (Allegations B and C). Sgt. Amorensano took \$\frac{87(2)(b)}{2}\$ to the ground, handcuffed him and placed him in a police vehicle to be transported to the 30th Precinct stationhouse for arrest processing. At the 30<sup>th</sup> Precinct stationhouse, Sgt. Amorensano allegedly said to \$\frac{87(2)(b)}{2}\$ "Shut the fuck up because you have the right to remain silent" (Allegation D). No video footage was available for this incident.

The case exceeded the 90-day benchmark because the case was sent to the mediation unit on November 8, 2016, and was returned to the investigative division more than two months later because \$87(2)(6) requested the case be returned to investigation.

#### Mediation, Civil and Criminal Histories

- \$87(2)(b) accepted mediation on October 25, 2016. However, \$87(2)(b) later requested that the case be returned to investigation. On January 12, 2017, the case was returned to investigation.
- As of January 20, 2017, there has been no Notice of Claim filed with the NYC Comptroller's office regarding this incident (BR 01).
- According to Office of Court Administration records, [887(2)(6)] pled guilty on November 22, 2016, to disorderly conduct for this incident, and was sentenced to one day of community service (BR 02).
- There is no record of any prior criminal convictions for \$87(2)(6) in the Office of Court Administration records (BR 02).

### **Civilian and Officer CCRB Histories**

- §87(2)(b) does not have any prior CCRB complaints (BR 03).
- Sgt. Amorensano has been a member of the NYPD for 17 years and has 3 prior CCRB complaints with 6 allegations (see officer history). [887(2)(9)
  - o In case #200511864, the Board substantiated frisk and search allegations and recommended charges. The NYPD Disposition was "No Disciplinary Action."

## Findings and Recommendations

Allegation A - Force: At Broadway and West 138th Street in Manhattan, Sergeant Miguele Amoresano used physical force against \$87(2)(b)

It is undisputed that \$87(2)(b) swung his arm into \$87(2)(b) s open driver side window, and that Sgt. Amorensano tackled \$87(2)(b)

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According to \$87(2)(b) he punched the glass of the rear left passenger window of the
s cab with the closed fist of his right hand (BR 04). §87(2)(b) swung into the air with
his right arm through the open driver side window into the cab driver's vehicle, but did not strike
or make contact with the driver. SST(2)(b) fully retracted his arm and was outside of the vehicle
before he was tackled from behind by Sgt. Amorensano. Sgt. Amorensano used his chest and
right hand to push \$87(2)(b) s waist while simultaneously punching him on the left side of his
mouth with his left arm. Sgt. Amorensano's tackle pushed \$87(2)(6) into the cab driver's vehicle
hood. \$87(2)(b) tensed up, turned around and saw that it was a police officer who tackled him.
Sgt. Amorensano said, "Stop resisting." said, "Officer, I did not hit him, I just swung
into the car." Sgt. Amorensano brought \$87(2)(b) to the ground and handcuffed \$87(2)(b) while
having a knee on the ground and a knee on \$87(2)(b) s lower back. Sgt. Amorensano lifted \$750 form the ground \$75(2)(b) fold pieces of enemal on his lin and said "Any you have my
from the ground. § \$7(2)(b) felt pieces of enamel on his lip and said, "Aw you hurt my
tooth." \$87(2)(b) spit out pieces of his tooth onto the ground. \$87(2)(b) did not sustain any injury in this incident beyond his chipped tooth.
in this incident beyond his chipped tooth. §87(2)(b) did not seek or receive medical attention for his tooth. At no point did §87(2)(b) attempt to physically stop or resist Sgt. Amorensano from
arresting him. At the time of his CCRB appointment, a chip was visible in one of ser(2)(6) are steeth (BR 05).
According to \$87(2)(b) attempted to punch \$87(2)(b) once but \$27(2)(b)
leaned away and dodged the punch (BR 06). \$\frac{87(2)(0)}{27(2)(0)}\$ then successfully struck \$\frac{8}{27(2)}\$
on his second attempt on the left side of his jaw with a closed fist. Sgt. Amorensano
approached \$87(2)(b) grabbed \$87(2)(b) from behind with both arms in a bear hug, pulled him off
of \$87(2)(b) s car and took \$87(2)(b) to the ground. Sgt. Amorensano said to \$87(2)(b)
"You're under arrest." \$87(2)(b) did not see Sgt. Amorensano punch \$87(2)(b) in the head or
elsewhere on \$87(2)(b) s body. \$87(2)(b) was unable to see Sgt. Amorensano and \$87(2)(b)
fall to the ground or on the ground as it was below his view. § 87(2)(b) did not see § 87(2)(b)
resisting Sgt. Amoresano's actions. §87(2)(b) did not hear §87(2)(b) complain of any injuries
or Sgt. Amorensano discuss any injuries on \$87(2)(b)
According to Sgt. Amorensano, he was operating a marked RMP with PO Winter in the
passenger seat, and was waiting at a red light on the northbound side of Broadway at 138th Street
in Manhattan when he saw §87(2)(b) in the street on southbound Broadway and 138th Street
punching \$87(2)(b) through the driver side window of \$87(2)(b) s cab (BR 07). Sgt.
Amorensano and PO Winter approached §87(2)(b) and said, "Police, don't move, get your hands
off of him." §87(2)(b) punched §87(2)(b) again, and did not respond to officers' commands.
Sgt. Amorensano observed \$87(2)(b) strike \$87(2)(b) a minimum of four times during this
incident before officers intervened. Sgt. Amorensano grabbed \$87(2)(b) supper torso from
behind to separate him from \$87(2)(b) resisted Sgt. Amorensano by flailing his
arms. Sgt. Amorensano pulled \$87(2)(b) out of the cab and threw \$87(2)(b) to the ground, with
landing on his stomach. Sgt. Amorensano did not strike 887(2)(b) in the mouth, and
did not make contact with the outside of \$87(2)(b) s vehicle as Sgt. Amorensano
brought him to the ground. PO Winter assisted Sgt. Amorensano's attempts to handcuff \$87(2)(b)
on the ground, and the officers were able to successfully handcuff \$87(2)(b) by each forcing his
arms behind him. \$87(2)(5) s head did not strike the ground and he did not complain of any
physical injuries to Sgt. Amorensano, nor did Sgt. Amorensano observe any physical injuries to was escorted to the stationhouse, and later at the stationhouse Sgt.
Amorensano learned from PO Escobar that \$87(2)(b) complained of a chipped tooth. EMS was
Amorensano realited from 1 O Escobal trial solution a chipped tooth. EMS was

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called and spoke with [87(2)(6) at the stationhouse, but Sgt. Amorensano was not at the
stationhouse when EMS interacted with § 87(2)(b)
PO Winter's account largely corroborates that of Sgt. Amorensano's. PO Winter was not
sure if Sgt. Amorensano tried to grab \$87(2)(0) in a bear hug from behind or if \$87(2)(0) came
into contact with a vehicle (BR 08). After Sgt. Amorensano first tried to grab \$87(2)(6) arms
from behind, \$87(2)(b) turned to face Sgt. Amorensano and pulled his arms away from Sgt.
Amorensano's grasp. Sgt. Amorensano took \$87(2)(b) to the ground behind the trunk of
s vehicle, with \$87(2)(b) landing on his side. PO Winter did not recall exactly how Sgt.
Amorensano brought \$87(2)(b) to the ground. Sgt. Amorensano and PO Winter repeatedly told
to stop resisting. §87(2)(b) continued to resist the officers' actions, flailing on his arms
and laying on his arms to resist being handcuffed. PO Winter tried to grab a hold of one of
s arms in order to place a handcuff on his wrist. Neither Sgt. Amorensano nor PO Winter
held \$87(2)(b) s head down to the ground. PO Winter did not recall if \$87(2)(b) s face came in
contact with the ground. On scene, PO Winter did not hear \$87(2)(b) complain of any physical
injuries. The only on-scene complaint \$87(2)(b) made was that his sunglasses were broken, and
PO Winter repeatedly showed \$87(2)(b) that his sunglasses were undamaged. At the stationhouse,
told PO Escobar that his tooth was missing and requested medical attention. PO
Escobar and PO Winter looked into \$87(2)(b) s mouth and observed that \$87(2)(b) s tooth was
there. EMS was called and two black female EMTs spoke with \$87(2)(5) at the stationhouse.
EMS told \$87(2)(b) that his tooth was present, and \$87(2)(b) told EMS that his tooth was
chipped. EMS offered to transport \$87(2)(b) to the hospital, and \$87(2)(b) refused to go to the
hospital. PO Winter did not recall if Sgt. Amorensano was involved in the medical attention
discussion at the stationhouse.
Force may be used when it is reasonable to place a person into custody, and any
application of force must be reasonable under the circumstances. Patrol Guide 221 -01 (BR 09).
§ 87(2)(g)
§ 87(2)(g)
Allogation D. Diggovertogy, At Droadway and West 129th Street in Manhattan Sangsont
Allegation B – Discourtesy: At Broadway and West 138th Street in Manhattan, Sergeant
Miguele Amoresano spoke discourteously to 887(2)(b)
Allegation C – Abuse of Authority: At Broadway and West 138th Street in Manhattan,
Sergeant Miguele Amoresano threatened 887(2)(b) with the use of force.
Allegation D – Discourtesy: At the 30 <sup>th</sup> Precinct stationhouse, Sergeant Miguele Amoresano
spoke discourteously to § 87(2)(b)
According to \$87(2)(b) Sgt. Amorensano tackled \$87(2)(b) and said, "Shut the fuck up or
I'ma fuck you up'' (BR 04). § 87(2)(6) tensed up, turned around and saw that it was a police
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shut the fuck up into an SUV por to the police can was transposed was transposed walked by \$87(2)(a) and erstand?"  Accord during this incide interact with \$87(2)(b) Accord you up," or use \$87(2)(b) at the Amorensano's, quiet, say "shut the stationhouse the stationhouse the station interact with \$100 and \$10	o, I'ma fuck you up." Sgt. blice car before interviewing, opened the door and said ported to and processed at and said, "Shut the station of	Amorensano handcuffed ng the \$87(2)(6) Lat d, "If you don't shut the fathe 30th Precinct. In the fuck up cause you have the . Amorensano did not use fuck up," or "fuck" (BR 0 e when \$87(2)(6) was in the did not tell \$97(2)(6) was in the did not tell \$97(2)(6) "incident (BR 07). Sgt. And's account largely corrobot Sgt. Amorensano did not you up" or use any profato o nor any other officer to	6). Sgt. Amorensano did not he holding cells, and did not emain silent." Shut the fuck up or I'ma fuck norensano did not interact wi	no ou th
Squad:				
Investigator:	Signature	Print	 Date	
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oquau Deader.	Title/Signature	Print	Date	
Reviewer:	Title/Signature	Print		

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